

Transcript of the Testimony of  
**WILLIAM GOODWIN**

**Date:** March 6, 2006

**Case No.:** CV04-00428

**Case:** POWELL v. CITY & COUNTY OF HONOLULU

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**EXHIBIT D**

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1 Q. Do you subscribe to any water safety books or  
2 magazines?  
3 A. No.  
4 Q. And in your course of being a lifeguard, which is  
5 almost 13 years, how many water-related fatalities have you  
6 been involved in?  
7 MR. MAYESHIRO: Calls for speculation.  
8 BY MS. WATERS:  
9 Q. Go ahead and answer.  
10 A. A couple. I really can't say an exact number.  
11 Q. But a couple, more than two, though?  
12 A. Yes.  
13 Q. Less than 100?  
14 A. Oh, yes.  
15 Q. Less than 50?  
16 A. Less than 10.  
17 Q. Less than 10. So did you receive your lifeguard  
18 training, the first course, just prior to becoming a  
19 lifeguard in 1993?  
20 A. Yes.  
21 Q. Where were you first posted as a lifeguard?  
22 A. District 2, Windward side.  
23 Q. Have you worked at other districts?  
24 A. District 4 on the west side, Leeward.  
25 Q. How long were you initially in District 2?

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1 A. I came in in July '93. Then I went out to  
2 District 4 in February of 1997.  
3 Q. Until?  
4 A. Until the ending of summer of that year, '97.  
5 Middle to late summer '97.  
6 And once in a while, we do fill in in other  
7 districts, like as an operator, rescue operator. So if  
8 districts are short, they will call and ask if someone is  
9 available. You've got to be certified to run the jet ski.  
10 Q. Is that your specialty, jet ski?  
11 A. No, I do that three days, and on the beach two  
12 days.  
13 Q. So then you're in District 4 for 1997, summer.  
14 And then did you go back to District 2?  
15 A. Yes.  
16 Q. And you've been there since?  
17 A. Uh-huh.  
18 Q. Is that yes?  
19 A. Yes. Sorry.  
20 Q. That's okay. And you say you do three days of  
21 jet ski and two days of on shore?  
22 A. Tower duty, yes.  
23 Q. Tower duty. So you got certified to operate the  
24 jet ski back in --  
25 A. November of 1997.

1 Q. -- '97. And where did you do that course? That  
2 was through the Coast Guard?  
3 A. No, it was through the City, our department.  
4 Q. How long was that training?  
5 A. It was two weeks.  
6 Q. So are there only a limited number of lifeguards  
7 who can also operate the jet ski?  
8 A. Yes. Certified operators.  
9 Q. Since 1997, have you been doing the three days  
10 of jet ski?  
11 A. I was doing five days of the jet ski. And then  
12 four days. And now I've had three days for, I would say,  
13 about three to four years.  
14 Q. And so when you operate the jet ski, do you just  
15 travel within your district?  
16 A. Mostly a mobile response unit.  
17 Q. Have you worked at all the beach parks in  
18 District 2?  
19 A. Yes.  
20 Q. And that would include Hanauma Bay?  
21 A. Yes.  
22 Q. On the date of the incident, were you operating  
23 the jet ski?  
24 A. Yes.  
25 Q. You were not at the tower on that day?

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1 A. No, I was not.  
2 Q. As part of your training, you say you were  
3 certified in CPR?  
4 A. Yes.  
5 Q. And when did you originally get certified?  
6 A. It would be the early part of 1993 before I got  
7 into the Department.  
8 Q. From your training, what is your understanding  
9 about how long you have to administer CPR to somebody  
10 before --  
11 A. Four to six minutes.  
12 Q. And after four to six minutes, what happens?  
13 A. Not enough oxygen to the brain. Most chances are  
14 the patient is going to become brain dead or chances of  
15 survival are slimmer.  
16 Q. Do you know approximately how many drowning  
17 rescues you've assisted on?  
18 A. A lot. I really can't say.  
19 Q. More than 100?  
20 A. Yeah.  
21 Q. More than 200?  
22 A. About there, maybe.  
23 Q. When you started working in District 2, that was  
24 as a tower lifeguard?  
25 A. Yes.

3 (Pages 9 to 12)

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1 the patient on the beach already.

2 Q. Did you know that, or did somebody tell you, No  
3 need to come, because --

4 A. I really can't say exactly if they called us or  
5 they told us to stand down, which "stand down" means it's  
6 okay, you don't need to respond.

7 Q. So had you stopped at Sandy Beach in order to jet  
8 ski around to Witches Brew?

9 A. No. The first call came in when we were at the  
10 ending of the junior lifeguard program.

11 Q. Right.

12 A. So what we do is we launch the ski from Kailua  
13 Beach. We do the presentation with the kids. And we load  
14 up the craft back onto the trailer. And the majority of  
15 the time, we'll mobile back towards Sandy Beach. That's  
16 what we did that day.

17 We put the ski on the trailer and mobiled,  
18 patrolled back to Sandy Beach.

19 Q. That's when you got the call?

20 A. That's when we got the call for the second one.

21 Q. So did you have to stop the training program  
22 short because you got the first call?

23 A. No, it was already toward the end.

24 Q. I see. So then when you're at Sandy Beach, you  
25 got the call for the second?

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1 A. Yes.

2 Q. Did you launch from Sandy Beach?

3 A. No, we drove to Hanauma Bay, because the call was  
4 a report of a missing swimmer.

5 Q. And were you with anyone else?

6 A. I was with Rob Dorr.

7 Q. Do you always work in teams?

8 A. It's a two-man operation. Sometimes, depending  
9 on personal coverage, there are times that there is one guy  
10 working. But most of the time, it's a two-man operation.

11 Q. So if you could just walk me through what you  
12 recall from that day.

13 A. Okay. After loading up the craft at Kailua, we  
14 mobile patrolled back to Sandy Beach. We stood by for  
15 approximately 10, 15 minutes, maybe, was when Ron Bregman  
16 called, asked if we could go down to Hanauma Bay; there's a  
17 report of a missing swimmer.

18 So we mobiled down to Hanauma Bay. Tried to get  
19 as much information as we could. Reversed the craft toward  
20 the shoreline. Getting ready to launch the craft, if we  
21 were needed.

22 As we were driving down towards Hanauma Bay,  
23 Clarence Moses was driving up in one of those Cushman carts  
24 that the park rangers use. He was going up to get a better  
25 visual, to see if he could see into Witches Brew area.

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1 We stood by Tower 3 Alpha, getting ready to  
2 launch and waiting for my lieutenant to tell me. And as  
3 soon as Clarence Moses got a visual of him is when we  
4 proceeded to launch the craft. Went out there and picked  
5 him up, and brought him to shore, and administered CPR.

6 Q. So how did you know where to find the body at  
7 Witches Brew?

8 A. We launched the craft, and we went out through  
9 the cable channel, the slot, and proceeded out to Witches  
10 Brew.

11 Right when I passed the first point that you can  
12 walk out to -- we do carry radio, so we are in contact,  
13 communications, at all times.

14 Then when we got out, I looked in. I had no  
15 visual of him. Right when I called Clarence and asked him  
16 where is he located, right after I made that transmission  
17 over the radio, I looked and I saw him floating.

18 Q. What was his body position when you saw him?

19 A. He was floating face up, stomach up.

20 Q. From your training, is that a normal or usual --

21 A. No, it's not.

22 Q. -- position?

23 A. Yeah. It's out of the normal. Usually people  
24 are floating face down.

25 Q. I know, from what little I know, the dead man's

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1 float is upside down?

2 A. Yeah.

3 Q. But this is the opposite way?

4 A. Yeah. And he had a lot of -- his stomach was  
5 extended.

6 Q. And what does that indicate to you?

7 A. I'm not -- I'm just a -- not a medical examiner.

8 It looks like he had a lot of water in his stomach.

9 Q. And at that point, were there any other  
10 lifeguards in the area?

11 A. There was me, driving the jet ski. My partner,  
12 Rob Dorr, on the rescue sled. We pulled up to pick up --  
13 can I -- you know his name? Can I say his name? Or just  
14 say "him"? Whatever's best for you guys.

15 Q. Do you recall what his name was?

16 A. No, I don't.

17 Q. Sure. The man that you saved -- Erik Laughlin  
18 or, I believe, Erik Powell. I can't remember which was  
19 first.

20 A. Whichever is best for you guys.

21 MR. MAYESHIRO: I think for the record, it  
22 appears from the incident reports that the person  
23 Mr. Goodwin is referring to is Erik Powell. That's just  
24 based upon the time of the incident reports.

25 MS. WATERS: That's right.

6 (Pages 21 to 24)

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